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OFFICE OF PETITIONS

DECISION ACCORDING STATUS

In re Reissue Application No. 10/776,035
Filed: February 9, 2004
Original Patent No 6,251,478
Issue Date: June 26, 2001
Original Application No. 09/469,368
Filed: December 22, 1999
Inventor: Pacifico et al.

This is a decision on the correspondence received August 4, 2004, which is being treated as a request to accord this divisional reissue application Rule 47 status.

The petition is granted.

The above-identified reissue application is a division of reissue application No. 09/996,636 filed November 29, 2001(pending). The latter reissue application was accepted and accorded Rule 47 status by the decision of May 13, 2003, a copy of which has been included in the aforementioned correspondence, on the petition filed April 8,2002. A second petition under 37 CFR 1.47 was filed November 24, 2003, and was granted in the petition of February 5, 2004. Copies of the petition filed November 24, 2003 and the decision thereon mailed February 24, 2003, were likewise submitted with the aforementioned correspondence; all on August 4, 2004, along with a copy of the oath or declaration from the prior reissue application, in reply to the Notice of Missing Parts mailed June 4, 2004.

Under the circumstances of this case, the foregoing documents are being construed as a request to accord the instant reissue application Rule 47 status, based on the documents on which the same status was accorded to the prior reissue application. Pursuant to 37 CFR 1.63(d)(3)(i), as a copy of the prior petition and decision(s) have been made of record, this application is accorded Rule 47 status. In such a circumstance, per 37 CFR 1.47(c) and MPEP 201.06(c), the USPTO will not repeat notice to the nonsigning inventor nor the announcement in the *Official Gazette*.

The Office of Initial Patent Examination is instructed to accept and to further process this reissue application as a complete application having Rule 47 status.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3217.

Brian Barr

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy